

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Aanestad, Brulte, and Machado)**

March 28, 2003

An act to amend Sections 5640, 5657, 7583.36, 7820, 7841, and 7883 of, and to repeal Section 7849 of, the Business and Professions Code, and to amend Section 26509 of the Government Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1079, as introduced, Committee on Business and Professions. Department of Consumer Affairs.

(1) Existing law provides for the regulation of landscape architects by the California Architects Board. Existing law requires each licensee to notify the board's executive director of any change of business address. Existing law makes it a misdemeanor for any person to use the title 'Landscape Architect' without possessing a valid, unrevoked license from the board.

This bill would require a licensee to file his or her current mailing and business address at the board's Sacramento office and would require the licensee to immediately notify the board if his or her business or mailing address changed. The bill would make it a misdemeanor to use the terms "landscape architecture," "landscape architectural," or any other titles, words, or abbreviations that would imply licensure as a landscape architect. Because the bill makes it a misdemeanor to use additional terms implying licensure as a landscape architect, the bill would impose a state-mandated local program.

(2) Existing law prohibits a private patrol operator from authorizing an employee to carry tear gas or other nonlethal chemical agent unless the employee has a certificate from the Department of Justice or the

Commission on Peace Officers Standards and Training showing the employee is proficient using tear gas or other nonlethal chemical agents.

This bill would instead require that the certificate be from the Department of Consumer Affairs, Bureau of Security and Investigative Services.

(3) Existing law, the Geologist and Geophysicist Act, provides for the registration and discipline of geologists and geophysicists by the Board for Geologists and Geophysicists. Existing law requires an applicant for registration to meet certain educational requirements and have at least 7 years of specified professional geological work. Existing law requires a majority vote of the board to determine the qualifications of an applicant for registration.

This bill would instead require an applicant for registration to have graduated from a college or university with a major in geological sciences and have 5 years of documented experience in geology or a specialty of geology. The bill would repeal the requirement that a majority of the board to vote on the qualifications of an applicant for registration.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5640 of the Business and Professions
2 Code is amended to read:
3 5640. It is a misdemeanor, punishable by a fine of not less than
4 one hundred dollars (\$100) nor more than five thousand dollars
5 (\$5,000) or by imprisonment in the county jail not exceeding six
6 months, or by both that fine and imprisonment, for any person,
7 who, without possessing a valid, unrevoked license as provided in
8 this chapter, engages in the practice of landscape architecture or
9 uses the title or term "Landscape Architect" ~~in any sign, card,~~
10 ~~listing, advertisement, or in any other manner,~~ 'landscape

1 *architecture, ‘landscape architectural,’ or any other titles, words,*
 2 *or abbreviations that would imply or indicate that he or she is a*
 3 *landscape architect as defined in Section 5615.*

4 SEC. 2. Section 5657 of the Business and Professions Code
 5 is amended to read:

6 5657. Each ~~licenseholder~~ *licensee* shall ~~notify the executive~~
 7 ~~officer of the board of any change of address of his or her place of~~
 8 ~~business~~ *file his or her proper and current mailing and business*
 9 *address with the board at its office in Sacramento, and shall*
 10 *immediately notify the board of any changes of mailing or business*
 11 *address, giving both his or her old and new addresses. A penalty*
 12 *as provided in this chapter shall be paid by a* ~~licenseholder~~ *licensee*
 13 *who fails to notify the board within 30 days after a change of*
 14 *address.*

15 SEC. 3. Section 7583.36 of the Business and Professions
 16 Code is amended to read:

17 7583.36. A licensee shall not permit any employee to carry
 18 tear gas or any other nonlethal chemical agent prior to ascertaining
 19 that the employee is proficient in the use of tear gas or other
 20 nonlethal chemical agent. Evidence of proficiency shall include a
 21 certificate from a training facility approved by the Department of
 22 ~~Justice or by the Commission on Peace Officers Standards and~~
 23 ~~Training~~ *Consumer Affairs, Bureau of Security and Investigative*
 24 *Services that the person is proficient in the use of tear gas or any*
 25 *other nonlethal chemical agent.*

26 SEC. 4. Section 7820 of the Business and Professions Code
 27 is amended to read:

28 7820. The board shall have and use a seal bearing the name
 29 “~~State Board of Registration for Geologists and Geophysicists.~~”

30 SEC. 5. Section 7841 of the Business and Professions Code
 31 is amended to read:

32 7841. An applicant for registration as a geologist shall have all
 33 the following qualifications:

34 (a) Not have committed any acts or crimes constituting grounds
 35 for denial of licensure under Section 480.

36 (b) ~~Meet one of the following educational requirements~~
 37 ~~fulfilled at a school or university whose geological curricula meet~~
 38 ~~criteria established by rules of the board:~~

39 (1) Graduation with a major in ~~geology~~ *geological sciences*
 40 *from college or university.*

1 ~~(2) Completion of 30 semester units in geological science~~
2 ~~courses leading to a major in geology, of which at least 24 units are~~
3 ~~in the third or fourth year, or graduate courses.~~

4 (c) ~~Have at least seven years of professional geological work~~
5 ~~which shall include either a minimum of three years of~~
6 ~~professional geological work under the supervision of a registered~~
7 ~~geologist or a registered civil or petroleum engineer, except that~~
8 ~~prior to July 1, 1970, professional geological work shall qualify~~
9 ~~under this subdivision if it is under the supervision of a qualified~~
10 ~~geologist or a registered civil or petroleum engineer, or a~~
11 ~~documented record of a minimum of five years² years of~~
12 ~~experience in geology or a specialty of geology, obtained~~
13 ~~subsequent to completion of the academic requirements specified~~
14 ~~in subdivision (b), in professional geological experience of a~~
15 ~~character satisfactory to the board, demonstrating that the~~
16 ~~applicant is qualified to assume responsible charge of professional~~
17 ~~geological this work upon licensure as a geologist. This~~
18 ~~experience shall be gained under the supervision of a geologist or~~
19 ~~geophysicist licensed in this or any other state, or under the~~
20 ~~supervision of others who, in the opinion of the board, have the~~
21 ~~training and experience to have responsible charge of geological~~
22 ~~work. Professional geological work does not include routine~~
23 ~~sampling, laboratory work, or geological drafting.~~

24 Each year of undergraduate study in the geological sciences
25 shall count as one-half year of training up to a maximum of two
26 years, and each year of graduate study or research counts as a year
27 of training.

28 Teaching in the geological sciences at college level shall be
29 credited year for year toward meeting the requirement in this
30 category, provided that the total teaching experience includes six
31 semester units per semester, or equivalent if on the quarter system,
32 of ~~third or fourth year~~ *upper division* or graduate courses.

33 Credit for undergraduate study, graduate study, and teaching,
34 individually, or in any combination thereof, shall in no case exceed
35 a total of ~~four~~ *three* years towards meeting the requirement for at
36 least ~~seven~~ *five* years of professional geological work as set forth
37 above.

38 The ability of the applicant shall have been demonstrated by the
39 applicant having performed the work in a responsible position, as
40 the term “responsible position” is defined in regulations adopted

1 by the board. The adequacy of the required supervision and
2 experience shall be determined by the board in accordance with
3 standards set forth in regulations adopted by it.

4 (d) Successfully pass a written examination that incorporates a
5 national examination for geologists created by a nationally
6 recognized entity approved by the board, and a supplemental
7 California specific examination. The California specific
8 examination shall test the applicant's knowledge of state laws,
9 rules and regulations, and of seismicity and geology unique to
10 practice within this state. ~~The board shall use the national~~
11 ~~examination on or before June 30, 2000.~~

12 SEC. 6. Section 7849 of the Business and Professions Code
13 is repealed.

14 ~~7849. In determining the qualifications of an applicant for~~
15 ~~registration, certification, or temporary authorization, a majority~~
16 ~~vote of the board is required.~~

17 SEC. 7. Section 7883 of the Business and Professions Code
18 is amended to read:

19 7883. A revoked certificate is subject to expiration as
20 provided in this article, but it may not be renewed. If it is reinstated
21 after its expiration, the holder of the certificate, as a condition
22 precedent to its reinstatement, shall pay a reinstatement fee in an
23 amount equal to the renewal fee in effect on the last regular date
24 before the date on which it is reinstated, plus *all accrued and*
25 *unpaid renewal fees* and the delinquency fee, if any, accrued at the
26 time of its revocation.

27 SEC. 8. Section 26509 of the Government Code is amended
28 to read:

29 26509. (a) Notwithstanding any other provision of law,
30 including any provision making records confidential, and
31 including Title 1.8 (commencing with Section 1798) of Part 4 of
32 Division 3 of the Civil Code, the district attorney shall be given
33 access to, and may make copies of, any complaint against a person
34 subject to regulation by a consumer-oriented state agency and any
35 investigation of the person made by the agency, where that person
36 is being investigated by the district attorney regarding possible
37 consumer fraud.

38 (b) Where the district attorney does not take action with respect
39 to the complaint or investigation, the material shall remain
40 confidential.

(c) Where the release of the material would jeopardize an investigation or other duties of a consumer-oriented state agency, the agency shall have discretion to delay the release of the information.

(d) As used in this section, a consumer-oriented state agency is any state agency that regulates the licensure, certification, or qualification of persons to practice a profession or business within the state, where the regulation is for the protection of consumers who deal with the professionals or businesses. It includes, but is not limited to, all of the following:

- (1) The Dental Board of California.
- (2) The Medical Board of California.
- (3) The State Board of Optometry.
- (4) The California State Board of Pharmacy.
- (5) The Veterinary Medical Board.
- (6) The California Board of Accountancy.
- (7) The California *Architects* Board of ~~Architectural~~ ~~Examiners~~.
- (8) The State Board of Barbering and Cosmetology.
- (9) The Board for Professional Engineers and Land Surveyors.
- (10) The Contractors' State License Board.
- (11) The Funeral Directors and Embalmers Program.
- (12) The Structural Pest Control Board.
- (13) The Bureau of Home Furnishings and Thermal Insulation.
- (14) The Board of Registered Nursing.
- (15) ~~The State Board of Fabric Care.~~
- (16) The State Board of Chiropractic Examiners.
- (17) ~~The Board of Behavioral Science Examiners.~~
- (18) ~~The State Athletic Commission.~~
- (19) ~~The Cemetery Program.~~
- (20) ~~The State Board of Guide Dogs for the Blind.~~
- (21) The Bureau of Security and Investigative Services.
- (22) ~~The Court Reporters Board of California.~~

(22) The Board of Vocational ~~Nurse~~ *Nursing* and Psychiatric
Technician-Examiners *Technicians* of the State of California.

~~(24) The California State Board of Landscape Architects.~~

~~(25)~~

(23) The Osteopathic Medical Board of California.

~~(26)~~

(24) The Division of Investigation.

~~(27)~~

(25) The Bureau of Automotive Repair.

~~(28)~~

(26) The State Board of ~~Registration~~ for Geologists and
Geophysicists.

~~(29) The State Board of Nursing Home Administrators.~~

~~(30)~~

(27) The Department of Alcoholic Beverage Control.

~~(31)~~

(28) The Department of Insurance.

~~(32)~~

(29) The Public Utilities Commission.

~~(33)~~

(30) The State Department of Health Services.

~~(34)~~

(31) The New Motor Vehicle Board.

SEC. 9. No reimbursement is required by this act pursuant to
Section 6 of Article XIII B of the California Constitution because
the only costs that may be incurred by a local agency or school
district will be incurred because this act creates a new crime or
infraction, eliminates a crime or infraction, or changes the penalty
for a crime or infraction, within the meaning of Section 17556 of
the Government Code, or changes the definition of a crime within
the meaning of Section 6 of Article XIII B of the California
Constitution.